

IDAHO Supreme Court

JUDICIAL/ADMINISTRATIVE NEWS

AUGUST 2006



TCA's Attend Caseflow Workshop

A joint Idaho/Utah workshop on Fundamental Issues of Caseflow Management was held on June 28-30 in Midvale, Utah. The workshop was a terrific opportunity for trial court administrators from Utah and Idaho to meet and share experiences, discuss caseflow management issues in their respective courts, and devise practical solutions to take back to their districts.

Mary Sammon, a Senior Court Management Consultant for the National Center for State Courts, served as faculty for this Institute for Court Management (ICM) course. Participants discussed calendar management principles, leadership/vision, consulting with stakeholders, court supervision of cases, setting standards and goals, controlling continuances, early dispositions, differentiated case management, information systems, managing and implementing change, and court culture. The program was a great success! Plans are underway for a joint program in 2007.



Bar Holds Annual Meeting

The Idaho State Bar held its 2006 Annual Meeting in Sun Valley Wednesday, July 19 through Friday, July 21.

Several CLE events were presented throughout the conference. Among them were: National award-winning attorney and lecturer, Terence MacCarthy presenting "Look Good Cross" sponsored by the Litigation Section and "Lessons from the Masters", presented by three "living legends", Allen Derr, Scott Reed and Fred Hoopes.

Chief Justice Gerald Schroeder reported on recent developments with the Idaho Courts.

Several members of the bar were recognized for their achievements. The Family Law Section hosted a reception to honor Judge Larry Duff of Minidoka County who received the "Family Law Award of Distinction." William F. "Bud" Yost and U.S. District Judge B. Lynn Winmill were honored as the 2006 ISB Distinguished Lawyers of the Year. Service awards were presented to several members of the profession who have contributed time and talent in service to the Bar.



Idaho State/Tribal Court Forum

Improving communications and working through a variety of jurisdictional and coordination issues continues to be the primary focus of Idaho's Tribal-State Courts Forum. The group, which includes tribal and state judges, met in July in Boise to further the dialogue that began a number of years ago.

"Idaho is one of the more progressive states in this area," according to Judge Fred Gabourie, the Chief Judge of the Kootenai Tribal Court and the co-chair of the Forum with Magistrate Judge Gaylen Box.

"Tribal courts have a jurisdiction not exactly like state or federal courts," Judge Gabourie said, "each system, each tribe has its own code but we all exist within the borders of the state." Judge Gabourie said the focus of the Forum's effort has been to define, discuss and resolve jurisdictional and other issues.

At the most recent meeting, Judges discussed the efforts of the Coeur d'Alene Tribal Court to address criminal behavior and substance abuse through their program called the Healing Place. Persons in this program must seek out an elder from an approved list of elders compiled by the Coeur d'Alene Culture Committee. They also develop their family tree and are instructed in the native language. It is an approach not unlike the state's successful drug court programs.

Justice Daniel Eismann also offered to share with the tribes the state's experience with drug courts. Cameron Burke, the Clerk of the Court for the United States District Court for the District of Idaho, discussed the Court's outreach efforts with the tribes. He informed Forum participants that the Court's District Conferences would be held October 12 in Pocatello, October 27 in Coeur d'Alene, and November 17 in Boise. He also stated that the United States Attorney's tribal liaison was Assistant U.S. Attorney Jack Haycock.

Other discussions centered on the Idaho Juvenile Justice Commission and various child support enforcement issues.

"There are going to be more and more issues as tribal courts take on more issues that are also handled in state courts," Judge Box said. "It is very important to keep a dialogue going on these issues."

Legal Counsel to the Idaho Courts Michael Henderson said "relations between tribal and state courts continue to be a great interest to the Idaho Supreme Court and Chief Justice Gerald Schroeder."

Ideally, Henderson said, the Forum will meet twice a year. Judge Box said attendance at the recent meeting was good and he hopes future meetings will draw even better participation from state court personnel and the five Idaho tribes who operate tribal courts.





Drug Court Research Findings

The Office of Justice Programs' <http://www.ojp.usdoj.gov/> National Institute of Justice (NIJ) <http://www.ojp.usdoj.gov/nij/welcome.html> has released "Drug Courts: The Second Decade" <http://www.ojp.usdoj.gov/nij/pubs-sum/211081.htm>. This NIJ report presents findings from recent studies that address concerns of policymakers and practitioners about effective drug court programs. Topics include the impact of target populations and participant attributes on outcomes, the role of the drug court judge in advancing participant success, treatment issues, drug court interventions for juveniles, and cost-benefit analyses.



Clerks-Recorders Meet

The Idaho Association of County Recorders and Clerks held their annual conference on August 14-17, 2006, in Montpelier. Patti Tobias joined participants on August 16 to discuss the 2006 Filing Fee Schedule, new legislation of interest, Supreme Court Rule changes, the status of pilot credit/debit card programs in Bannock and Twin Falls counties, the impact of court programs and initiatives on county staff and other resources, and address any questions or areas of concern.

Patti also announced the following dates for clerks training:

- ⚖ Distance Learning – October 6, 2006
- ⚖ Clerks and Judges Conference – February 5, 2007
- ⚖ Idaho Institute for Court Management – April 2-6, 2007

Conference for Interpreters Set

The Third Annual Conference for Court Interpreters will be held on September 23-24, 2006, in the Court Commissioners' Hearing Room of the Ada County Courthouse. Idaho certified and conditionally approved court interpreters for the Spanish language are invited to participate in this great educational opportunity.

Enrollment is limited to 25 participants and registration will be accepted on a first-come, first-served basis. The registration fee of \$125.00 is due by September 12th, 2006.

The program will focus on the three modes of interpreting. Time will also be spent discussing professional ethics and reviewing legal terminology. Participants will learn note taking techniques and enhance their memory capacity through skill-building exercises. This training is approved for 10.0 hours of continuing education credit.



Judge Michael Dennard also met with participants to discuss the implementation of I.C.A.R. 53.

For additional information please contact Sandra Cockayne, Fourth Judicial District Interpreter Coordinator, at (208) 287-7686 or scockayne@adaweb.net.



Judicial Education Changes

All judges should take note of recent changes in judicial education programs approved by the Idaho Supreme Court. In particular, there are two newly scheduled multi-disciplinary events which will be held in conjunction with either the annual District Judges Seminar and/or Magistrate Judges Institute.

A number of recommendations from the Judicial Education Committee to the Supreme Court were recently approved regarding judicial education for the Idaho Judiciary. A full summary is set out below.

While the first number of conferences are "traditional", and only the format, timing and firm future dates are really new, this notice is intended to draw the judiciary's attention to two truly new programs, which will begin in January and May of 2007, and which are then intended to be refined and "institutionalized".

All judges are therefore urged to calendar the dates applicable to them to avoid conflicts in scheduling and court calendars for at least the next three years. These dates will now appear on the Court's Master Calendar.

Annual Idaho Judicial Conference

The traditional annual Idaho Judicial Conference will be reinstituted beginning this fall. This conference will be held for all members of the Idaho Judiciary and held each fall in order to take advantage of off-season rates and reduce costs, while still capturing some nice weather!

✓ Dates for future annual judicial conferences are:

October 1-4, 2006
September 30-October 3, 2007
October 5-8, 2008

New Event Multi-Disciplinary Courts Institute

A Multi-Disciplinary Drug and Mental Health Courts Institute will be held the two days prior to the District Judges Seminar and will involve both the judiciary and the professional communities involved in drug and mental health courts.

This DMCI (we always need an acronym, right?) will become an annual event with well known and substantive speakers. A planning committee has been appointed and new members are being invited still. The DMCI will "dovetail" with the District Judges Seminar and may even share some speakers, although the DJS event will include only District Judges and not the professional community.

✓ Dates planned for the DMCI are:

January 15-16, 2007
January 14-15, 2008
January 19-20, 2009

Judicial Education Changes (Continued)



District Judges Seminar

In order to have agencies such as the Department of Correction and the Parole Commission participating in the District Judges Seminar, as well as to allow for interaction with the Legislature and executive officials, DJS will continue to be held in Boise the third week of January each year.

District Judges should also keep in mind that the annual Court Reporters Seminar is held during DJS.

✓ **Future dates for DJS are:**

January 17-19, 2007
January 16-18, 2008
January 21-23, 2009

New Judges Orientation

New Judges Orientation consists of two separate "phases". Phase I (week long segment) will now be held in March in order to accommodate the largest number of new judges possible after taking office (usually in January, if elected).

✓ **The dates for the week long Phase I NJO for the future are:**

March 12-16, 2007
March 10-14, 2008
March 16-20, 2009

New Event **Annual Children and Families Institute**

This event will be held the two days prior to the Magistrate Judges Institute and will involve both the judiciary and the professional communities dealing with child protection, children and families in the courts, juvenile court (other than juvenile drug courts), domestic violence, etc.

This CFI (again, the need for an acronym!) will become an annual event and will feature well known and substantive speakers. It is anticipated that virtually all Magistrate Judges will be involved in and attend the CFI as well as the MJJ.

✓ **Dates planned for the Children and Families Institute are:**

May 7-8, 2007
May 12-13, 2008
May 11-12, 2009

Magistrate Judges Institute

Given the timing of the annual Judicial Conference in October each year, it was decided that the annual Magistrate Judges Institute be held in the spring.

✓ **The future dates for MJJ are:**

May 9-11, 2007
May 14-16, 2008
May 13-15, 2009

AGAIN, please review the dates for the events you will be attending, work together with your clerk, with ISTARS, with Trial Court Administrators, and others, to make sure pertinent dates are available and clear.

The objective is to achieve 100% attendance for those judges who should be attending the specific education programs.





The membership of the Child Support Guidelines Advisory Committee changed as of July 12, 2006.

See IN RE: MEMBERSHIP OF CHILD SUPPORT GUIDELINES ADVISORY COMMITTEE at <http://www.isc.idaho.gov/ICSG-COMM706.HTM> for details

A Bail Bonds Guidelines Committee was established and membership named as of April 21, 2006.

See IN RE: ESTABLISHING BAIL BONDS GUIDELINES COMMITTEE - MEMBERS at http://www.isc.idaho.gov/bailbonds_guidelines_comm.htm for details



New Ada County Magistrate Judges

The Magistrate Commission for the Fourth Judicial District appointed two magistrate judges in Ada County, filling newly created positions.

Theresa L. Gardunia has served as the Boise County Prosecuting Attorney since January 1997. She was responsible for all felony, misdemeanor, juvenile criminal matters, child protection cases, as well as representing Boise County on all civil matters. Ms. Gardunia begins her appointment to the Ada County District Court on October 2, 2006.

William G. Harrigfeld has been in private practice specializing in civil and criminal litigation, corporate, and personal injury law since June, 1999. He also has worked under contract with the State of Idaho, Bureau of Children Services. In 1997, he served as a deputy prosecuting attorney for Valley County, prosecuting criminal cases. Mr. Harrigfeld begins his appointment to the Ada County District Court on October 2, 2006.

Hicks New Magistrate Judge

The 4th District Magistrate Commission appointed George Hicks as a Magistrate Judge in Elmore County. Mr. Hicks was in private practice as a general practitioner with the law firm of Hoagland, Dominick and Hicks prior to his appointment. *For the full press release, go to:* <http://www.isc.idaho.gov/links/Pr1NewJudgeElmoreCo06.doc>

Judge Hollerich Resigns

Clark County Magistrate Judge William Hollerich announced that, after seven years, he is resigning to take a position with the U.S. Immigration and Customs Enforcement office in El Centro, California. His last day on the bench will be September 1st. Thank you for your service, Judge Hollerich!

Haynes New District Judge

Governor Jim Risch appointed Lansing L. Haynes as a District Judge for the First Judicial District. The appointment, announced in late July, was effective immediately and is a new judicial seat approved by the Legislature in the 2006 session. Haynes was Chief Deputy Prosecutor for Kootenai County prior to his appointment. *To read the entire press release, go to:* http://gov.idaho.gov/mediacenter/press/pr2006/prjuly06/pr_079.html

Tibbs Named Drug Czar

Governor Jim Risch appointed Boise City Councilman, Jim Tibbs the Drug Czar of Idaho in early July. The position of Drug Czar is part of the Office of the Governor.

Tibbs is charged with oversight of "the coordination of all drug initiatives within the State of Idaho." Tibbs is honored by the selection and looks forward to the challenges in front of him. He has witnessed the growth of illegal drug use the problems it creates for society.

Tibbs has been an active member of the Boise community, having been involved with the Bogus Basin Ski Association, the Ada County Human Rights Task Force, and other organizations. For 34 years, Tibbs was a member of the Boise Police Department. He more recently served as chair of the Idaho state Board of Correction. Tibbs also served in the Idaho Army National Guard. *The full news release from Governor Risch's web site can be seen at:* http://gov.idaho.gov/mediacenter/press/pr2006/prjuly06/pr_071.html



Killeen Replaces Beauclair at DOC

Former Ada County Sheriff Vaughn Killeen has been appointed Idaho's Director of the Department of Correction. Killeen replaced Tom Beauclair who resigned. The appointment was announced by Governor Risch.

Killeen is tasked with improving employee morale, ensuring rehabilitation programs are in place for prisoners and investigating alternatives to placing Idaho inmates in out-of-state facilities. He says he is looking forward to using his experience for the benefit of department programs, and moving processes forward in an orderly manner. *The full news release can be seen at:*

http://gov.idaho.gov/mediacenter/press/pr2006/prjuly06/pr_073.html

Armstrong in at DHW

The appointment of Dick Armstrong to fill the position of Director of the Idaho Department of Health and Welfare was made by Governor Risch in June. Armstrong replaces long time director Karl Kurtz. Prior to his appointment, Armstrong served in an executive capacity at Blue Cross of Idaho.

Armstrong will oversee such projects as "reform of Idaho's Medicaid program" and making the "public health and welfare programs as responsive and efficient as possible". Armstrong takes the helm of an agency reorganized by Executive Order. *The full news release is available at:* http://gov.idaho.gov/mediacenter/press/pr2006/prjune06/pr_055.html

Welcome, Kim Woods!

Welcome to Kim Woods, the new Administrative Assistant for Education. Kim started her new duties on August 10, after moving across the street from the Idaho State Bar where she served as their Legal Education Administrative Assistant for the past 12 years. Welcome, Kim!



The new Administrative Assistant for Education, Kim Woods.

New Orders & Rule Changes

For current New Orders or Rule Changes, go to <http://www.isc.idaho.gov/rulesamd.htm>

Juvenile Rules Amended

Effective August 3, 2006, the Idaho Juvenile Rules relating to child protection cases were extensively amended. Idaho Juvenile Rules 16, 29-37, 39-46, 48, 51-53 and 58 were repealed and replaced by the newly amended version of the Idaho Juvenile Rules relating to child protection cases. The amendments to the Juvenile rules were the result of approximately one year's worth of deliberations by members the Idaho Supreme Court Child Protection Committee including Judges Bryan Murray (6th district), A. Lynne Krogh (3rd district), Greg Kalbfleisch (2nd district), Michael Crabtree (5th district) and Tim Hansen (4th district).

The Juvenile Rules were renumbered to make them congruent with the 2005 amendments to the Child Protection Act. Amendments to the Juvenile Rules include, but are not limited to, detail regarding required findings to establish or maintain eligibility for federal IVE funds, mandatory standards for Idaho guardian ad litem programs, notice to foster parents, and additional detail on extended home visits. *The amended Idaho Juvenile Rules can be found at the Idaho Supreme Court website:* <http://www.isc.idaho.gov/ijr-amended-order.htm>





Other Civil Penalties

As you will have noted with the updates to your ISTARS system for the July 1 updates, we can now insert civil penalties (Fees) in and collect them through ISTARS.

If your judge orders sanctions on a civil case where one of the parties is ordered to pay money where the intent is that 100% of the funds are to go to the District Court, then you will want to insert those ON THE CORRECT PARTY, under the new fee called "Sanctions-District Court Fund."

If the judge is ordering a "Civil Fine" under 19-4705, the distribution of those fees would be 90% to the County and 10% to the state. Insert that dollar amount as "Civil Fine-County Ordinance (19-4705) 90/10."

Or there is a third fee which is called "Bond Forfeiture- (19-4705) 90/10." That is for bonds which are forfeited on civil cases. That is also a 90/10 split, 90% to the District Court and 10% to the state.

One thing for you to consider is if the sanction is against an attorney, you will want to enter the attorney as a party, and then enter the sanction for the attorney/party, or else the information on the case will appear as though the party that the attorney represents has the sanction against them.

There is an Attorney Fee for the Prosecutor... which is intended for use when the BAC penalty has been applied, and not paid, and the county prosecutor gets involved and issues a civil judgment etc. They can at that point also charge attorney fees. Those fees will distribute back to the cost of prosecution GL account.

You will note that interest may be applied. Interest will accrue against the total due for the party, not just to a single fee or line item. The money will appear on your daily cash balance exactly like any other payment would, but you will note on the printed report a new line item which is under "Civil Filing" which is called "Civil Penalty Payments." That is where the total will add in under the receipt portion.

On the "F" report at month end you will note that if used, the fees will be listed in a new portion of the report called "Costs."

On the "Closing Summary Report" they will be listed under "Civil Filing Payments" next to "Civil Costs," and will total in with the "Net Cash Receipts."

These 3 new fees have just been approved and will be inserted into your ISTARS systems as quickly as possible.

If you have a need to use the fees, and they haven't been inserted into your system yet, please call Julie or Kim at (208) 334-2850 and we will move your county to the top of the list for insertion.

If you have any questions please feel free to call Corrie or Roland (208) 334-2248, or Julie or Kim (208) 334-2850.



JUDICIAL/ADMINISTRATIVE NEWS
is published by the Idaho Supreme Court.

Chief Justice Gerald F. Schroeder

Justice Linda Copple Trout

Justice Daniel T. Eismann

Justice Roger S. Burdick

Justice Jim Jones

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

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Thanks!



Note: For the most up-to-date Judicial Calendar,
check the Judiciary's homepage at
<http://www.isc.idaho.gov/calendar.htm>

